



# Town of Berwyn Heights

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**MAYOR**  
Amanda M. Dewey

**COUNCIL MEMBERS**  
Jodie A. Kulpa-Eddy (Mayor Pro Tem)  
Christopher S. Brittan Powell  
Jason W. Papanikolas  
Ethan D. Sweep

## Worksession Minutes August 31, 2020 | 7:00 pm

This meeting was held by videoconference due to the ongoing COVID-19 health emergency. The meeting was broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents were given the opportunity to join the meeting via Zoom and comment by telephone and email.

The meeting was called to order at 7:09 p.m. Present were Mayor Amanda Dewey, Mayor Pro Tempore (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Christopher Brittan-Powell, Jason Papanikolas, and Ethan Sweep. Also present were Interim Town Manager (ITM) Laura Allen, Chief of Police Kenneth Antolik, Sergeant Daniel Unger and Town Clerk Kerstin Harper.

### **1. Approval of the Agenda**

CM Sweep moved to approve the agenda. MPT Kulpa Eddy seconded. The motion passed 5 to 0.

### **2. Announcements**

Mayor Dewey made several announcements: School has started; The street sweeper is in Town; Pontiac Street has been repaired and is open; Absentee ballot applications for the upcoming Presidential election are available now. Everyone who wishes to vote by mail should apply for their ballots. Completed ballots can be returned by mail or dropped off at designated locations which will be announced. Residents can also vote in-person early or on election day at locations announced today.

### **3. Discussion Items**

**Review of Council Rules:** Mayor Dewey said ITM Allen has provided draft Council Rules that contain the revisions the Council discussed at the last worksession. ITM Allen explained the changes formalize the agenda formation process and require that agenda items be submitted 3 business days prior to a meeting. An exception is made for emergency items, which can be added to the agenda under 'approval of the agenda' during the meeting in question. Additionally, worksessions have been limited to review and discussion, reserving Council actions for Town meetings.

In discussion, it was clarified that the provision on the posting of an agenda remains unchanged, requiring that it should occur at least 24 hours prior to a meeting. However, ITM Allen plans to have agendas published by Friday noon for a Monday worksession, and Monday noon for a Wednesday Town meeting, to give Councilmembers and residents more time to review background documentation. Citizens may request items to be placed on the agenda for a worksession by contacting the Mayor or Town Manager. If a Council decision is warranted, the item may then be placed on a Town meeting agenda.

The Council made no further changes to the draft Council Rules, which will be up for adoption at the next Town meeting.

***BHEAC learning pods proposal:*** Mayor Dewey explained the Education Advisory Committee (BHEAC) has explored different ways to support families with virtual learning. One option is to assist families with the formation of learning pods, which are small in-person learning groups organized and led by parents and/or tutors. Chief Antolik and Town Attorney Ferguson have been asked to review the proposal and have provided feedback.

MPT Kulpa-Eddy said PGCPs has decided to hold classes virtually for the fall semester. Many families are worried about their children missing out in a virtual learning environment. In August, the BHEAC conducted a survey to gauge families' interest in learning pods. Out of 90 survey respondents, 60 expressed interest in learning pods. Based on the results, the BHEAC decided to move forward.

Learning pods are organized by parents, not schoolteachers or the Town. The goal is to enable families of students with matching interests and grade levels to find each other and learn together. The method is an online application to which interested families post their profile information to find compatible learning partners and contact them. The Town would provide the platform but is otherwise not involved in the matching process. The process is voluntary and undertaken at one's own risk.

ITM Allen noted that Chief Antolik's concerns about learning pods are summarized in a staff report, while Town Attorney Ferguson gave her input in a confidential memorandum. If the Council wishes to discuss the Town Attorney's memo, it should vote to make it public.

At 7:30 p.m., the Council took a 5-minute recess to allow MPT Kulpa-Eddy to review the memo, as she did not receive it before the meeting. The Council then voted by a show of hands to make the memo public.

Chief Antolik described his concerns, including:

- Temporary custodians of underage children would be required by law to undergo background checks. This includes members of the household where a learning pod meets.
- Learning pod participants would be required to take a COVID-19 test and disclose their immunization records.
- As a sponsor, the Town may incur liability for any harm arising from a learning pod session.

ITM Allen read the Town Attorney's memo to clarify the Town's liability. It says since the BHEAC is a Town-approved organization and insured by the Town, it is considered an extension of the Town. Any activity sponsored by the BHEAC is therefore sponsored by the Town. Prospective participants in learning pods should be asked to declare that they assume the risk of participating in the activity and hold the BHEAC and the Town harmless. Further, Prince George's County's regulations regarding gatherings are stricter than CDC guidelines and should be publicized as part of the sign-up package.

In discussion, Councilmembers made the following main points:

- In-person activity is too fraught with risk and should not be sponsored by the Town. Even with a disclaimer, the Town is implicitly advocating for learning pods if it provides the platform.
- Learning pods are likely to form with or without the Town's involvement, but Town involvement may make them safer.
- Learning pods involve a cost/benefit calculation, as many parents are facing a loss of income due to having to stay home with kids. They are providing a social service rather than recreational benefit.

- Learning pods may violate Prince George’s limitations on gatherings. Current rules allow for approximately 10 people in a small house.

Councilmembers Brittan Powell, Papanikolas and Sweep had reservations about sponsoring learning pods because it would be hard to control the risks. There was agreement on obtaining more details about the proposal and possibly ‘test driving’ the application to be used. A sign-up form with an explicit statement on the risks of meeting in person and guidelines for meeting safely was requested. ITM Allen was asked to work with the Town Attorney on drafting a release. Once the proposal has been refined, the Council may consider voting on the learning pods proposal.

***Drive-in movie/ event policy:*** Mayor Dewey said, with the recent release of an update to the Town’s coronavirus response, questions about what types of events can now be held have been raised. ITM Allen has worked to come up with some answers.

ITM Allen said she recommends that the Town suspend hosting in-person events to give staff time to develop an overall event policy. In the context of the pandemic, in-person events present a risk not only to people attending the event but to employees charged with managing them. Having consulted with Chief Antolik, the Town Attorney, and the Town’s insurance company about hosting a drive-in movie, it was suggested to consider whether such an event is essential and worth the risk. Although risks could be mitigated by adopting some rules, there is a chance that participants will not follow them. Chief Antolik added he agrees with not holding in-person events while the pandemic is ongoing.

MPT Kulpa-Eddy said the Recreation Council has dropped plans for a drive-in movie night anyway because it would be too expensive. However, she would like a clear definition of what constitutes an in-person event because the organizers of the drive-in movie thought that it was not an in-person event. ITM Allen said a definition will be included as part of the policy, but as an example, the Council has been meeting virtually as opposed to in-person.

There ensued discussion as to what constitutes a safe ‘in-person’ activity or event. The following points were made:

- Staff working at Town Hall are considered in-person but are performing an essential activity while following rules to mitigate the risks.
- A drive-in movie, while socially distanced, does not guarantee the same level of compliance with health directives as a work environment.
- Any Town sponsored event that encourages participants to leave their homes might be considered in-person.
- Definition of a safe event may depend on the degree of social interaction afforded.
- The Town’s role in Halloween trick-or-treating needs to be defined.

Mayor Dewey summed up her understanding of the consensus: Town sponsored events are on hold while staff is gathering information to come up with an “Event policy” and a clear definition of an in-person event. There were no objections.

***Storm drain litter:*** Mayor Dewey said there are some places in Town where litter tends to collect due to how stormwater flows towards Indian Creek. Litter that ends up in Indian Creek affects the health and aesthetics of the larger Anacostia watershed. The Council was provided documents that contain different examples of reducing pollution of waterways, as well as information on Prince George’s County’s clean water plan. There are examples of reducing pollution at the source as well as on how to capture it in stream.

In discussion, the following suggestions were made:

- Consider adopt-a-drain or adopt-a-block for cleaning up litter.
- Make a survey of locations where litter tends to accumulate.
- Obtain map of stormwater flow and the stormwater drainage system.
- Explore Prince George's County programs for reducing and filtering stormwater runoff on Town-owned properties.
- Invite County officials to explain the Corvias P3 clean water partnership to improve stormwater infrastructure.
- Check on increased trash around Town and along Indian Creek.

***E-newsletter:*** MPT Kulpa-Eddy provided a draft of the e-newsletter for publication on the coming Friday and asked for feedback. The following changes were approved: adding information on absentee voting and the County's COVID compliance program; adding a reason for residents to consider participating in the food composting program. ITM Allen noted that a translation service might at some point be needed to translate the Town's announcements and newsletters into Spanish.

#### **4. Minutes**

The Council discussed the adoption of all minutes at Town meetings once the revised Council Rules are in effect. It was agreed that both Town meeting minutes and worksessions minutes will be approved at Town meetings. Minutes could be provided at a worksession for review purposes. CM Brittan Powell moved, and MPT Kulpa-Eddy seconded to approve the August 3 worksession minutes. The motion passed 5 to 0.

#### **5. Department Reports**

Mayor Dewey reminded residents to drive carefully on the newly re-opened Pontiac Street. At Lake Artemesia park, new signs have been posted asking park visitors not to disturb the wildlife and bicyclists to ride carefully around pedestrians. A non-slip paint has been applied to the bridge over Indian Creek to make it safer when wet. In response to CM Brittan Powell, Mayor Dewey said the Pontiac Street speed camera may have been moved elsewhere where speeding is a problem.

MPT Kulpa-Eddy announced that residents can subscribe to the e-newsletter through the Town website. The comment period on the Beltway widening Draft Environmental Impact Statement (DEIS) has been extended to November 9. Prince George's County's Board of Elections has published the planned voting locations for the upcoming Presidential election as well as the location of drop boxes for absentee ballots. At the last Historical Committee meeting, she asked Committee members to review the content of the Town's historic markers for potentially controversial language, as other historical societies across the nation are reevaluating their monuments and markers.

CM Papanikolas thanked ITM Allen for shepherding the repair of Pontiac Street to successful completion. The Administration Department has begun to receive reimbursements for COVID related expenses through the CARES Act. Pop's Park has been reopened without incidents. CM Brittan Powell reported that the Code Department is operating normally and is discussing a complaint about the Town's rental license fee. CM Sweep reported that the street sweeper is in Town and asked residents not to park in the street where possible. Everyone is requested not to litter.

#### **6. Town Council Schedule**

The Council reviewed the schedule. The Council has not received any meeting invitations for PGCMA meetings, which may have been put on hold.

## **7. Citizen Comments**

Patti Dennison, Seminole Street, called to ask when the Senior Center might reopen. Mayor Dewey said the date has not been set.

The meeting was adjourned at 9:12 p.m.

Signed: *Kerstin Harper*, Town Clerk